

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yoel ZUR et al

Application No.: 10/623,583

371(c) Date:

For: LIQUID ATOMIZER

Art Unit: 3752

Examiner: D.D. Hwu

Washington, D.C.

Atty.'s Docket: ZUR=1A

Confirmation No.: 6538

Date: June 9, 2005

Customer Service Window, Mail Stop Amendment  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Sir:

Transmitted herewith is an REPLY: REMARKS AND SUBMISSION OF TERMINAL DISCLAIMER in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ Terminal Disclaimer Fee (\$110.00).

☐ The fee has been calculated as shown below:

(Col. 1)			(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 12	MINUS	** 20		0	x 25	\$		x 50	\$
INDEP.	* 2	MINUS	*** 3		0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+ 180	\$		+ 360	\$
						ADDITIONAL FEE TOTAL	\$		TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 60.00  
☐ Second - \$ 225.00  
☐ Third - \$ 510.00  
☐ Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 120.00  
☐ Second - \$ 450.00  
☐ Third - \$ 1020.00  
☐ Fourth - \$ 1590.00

Month After Time Period Set

☐ Less fees (\$ ) already paid for month(s) extension of time on .

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ .

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$110.00.

☐ A check in the amount of \$ is attached (check no. ).

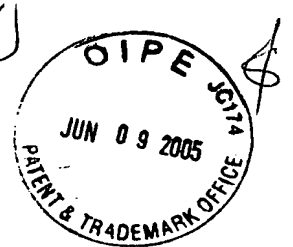
☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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Telephone: (202) 628-5197

By:   
Sheridan Neimark  
Registration No. 20,520





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: ZUR=1A

In re Application of:	)	Art Unit: 3752
	)	
Yoel ZUR et al	)	Examiner: D.D. Hwu
	)	
Appln. No.: 10/623,583	)	Washington, D.C.
	)	
Date Filed: July 22, 2003	)	Confirmation No. 6538
	)	
For: LIQUID ATOMIZER	)	June 9, 2005

**REPLY: REMARKS AND SUBMISSION OF TERMINAL DISCLAIMER**

Customer Service Window, Mail Stop Amendment  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

This will reply to the Office Action of April 8, 2005. The claims in the application remain as claims 1-20, and these claims define patentable subject matter warranting their allowance. Favorable consideration and early formal allowance are respectfully urged.

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

Applicants note that no rejections have been imposed on the basis of any prior art (Sections 102 and 103), and applicants accordingly understand that the PTO considers applicants' claims to define novel and unobvious subject matter over any known prior art. Applicants are proceeding in reliance thereof.

On the other hand, there are three rejections based on obviousness-type double patenting over claims in the patent based on applicants' parent application. As the Office Action correctly states, such rejections may be overcome by the submission of a terminal disclaimer signed by applicants' attorney of record. Such a terminal disclaimer and the disclaimer fee are attached hereto.

Accordingly, the three rejections based on obviousness-type double patenting should now be withdrawn, and such is respectfully requested.

The prior art documents made of record and not applied have been noted, along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their application against any of applicants' claims.

All issues raised in the Office Action have been addressed above in a manner favoring patentability of the present application. Accordingly, applicants again respectfully request favorable consideration and early formal allowance.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By



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**TERMINAL DISCLAIMER**

Pursuant to 37 C.F.R. §1.321(b)(1)(iv) and other parts of Section 1.321, the terminal part of any patent granted on the above-identified U.S. application no. 10/623,583 which would extend beyond the full statutory expiration date of USP 6,637,673, is hereby disclaimed by the common assignee, Dan Mamtirim, Kibbutz Dan, Doar Na Hagalil Haelion 12245, Israel, the owner of the entire right, title and interest in the present application and said U.S. patent; and

it is hereby agreed that any patent so granted on the above-identified application Serial No. 10/623,583 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to USP 6,637,673, this agreement to run with any patent granted on the above-identified application Serial No. 10/623,583 and to be binding upon the grantee, its successors or assigns.

No disclaimer of any terminal part of any patent granted on the above-identified application Serial No. 10/653,583 prior to the expiration date of the full statutory term of prior USP 6,637,673, is made in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, whereby the present terminal disclaimer is effective only for the separation of legal title as stated above. The "full statutory term" of the prior patent is the maximum granted term thereof, as extended by law at any time, and this terminal disclaimer is being made without waiver of the rights of applicants or the assignee to seek an extension of the patent granted on the instant application in accordance with law, including but not limited to the right to an extension under 35 U.S.C. §156 [see 37 C.F.R. §1.775(a)].

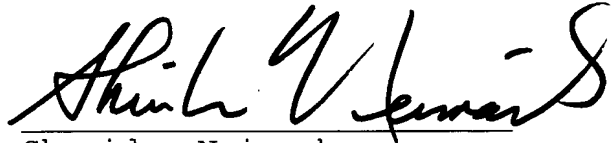
The intended scope of the present terminal disclaimer as set forth above and the non-alienation agreement above are intended to be the minimum required by law, and this document is to be considered to effectuate said intent. No admission is made that any claims of the present application are obvious over any prior patent.

In re Appln. No. 10/653,583

Credit Card Payment Form, PTO-2038, is attached,  
authorizing payment of the statutory disclaimer fee in the  
amount of \$110.00 per 37 C.F.R. §1.20(d).

Attorney of Record

By



Sheridan Neimark

Registration No. 20,520

(BROWDY AND NEIMARK, P.L.L.C.)

Date:

June 9, 2005